IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIFTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO : 16418 of 2004**

Between:

Sri T.Ajay Kumar Reddy, s/o Dr.T.Dharma Reddy,
r/o Plot No.384, Road No.22, Jubilee Hills, Hyderabad.

**..... PETITIONER**

AND

1 The District Collector, R.R.District at Lakidikapool, Hyderabad.
2 Hyderabad Urban Development Authority, 1-8-323, Paigah Palace, Police Lines, Secunderabad-3 rep., by its Vice-Chairman.
3 Hyderabad Urban Development Authority, 1-8-323, Paigah Palace, Police Lines, Rasoolpura, Secunderabad-3, rep., by its Land Acquisition Officer.
4 Government of A.P., rep., by its Secretary, Municipal Administration, Secretariat Buildings, Hyderabad.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly in the nature of writ of mandamus: A) Declaring the Notification No.G2/3169/2004 published in the A.P.Gazette RR No.43, dt.25-06-2004 issued by the 1st respondent be declared as void and unenforceable; and B) To restrain the respondents from proceeding further; and C) To pass such other order or orders in the interest of justice.

**Counsel for the Petitioner:MR.P.M.GOPAL RAO**

**Counsel for the Respondents 1&4: GP FOR REVENUE**
**Counsel for the Respondents 2&3: MR.B.VISHWANATHA REDDY**

**The Court, at the stage of admission, made the following :**

**ORDER**

The writ petition is filed questioning the issuance of impugned notification dated 25.6.2004 under Section 4(1) of Land Acquisition Act, 1984. It is contended by the learned counsel for the petitioner that the land proposed to be acquired on the ground of Development of Township and future projects is without contiguity and the respondents have chosen the bits of land for the said purpose. Contending inter alia, the following points are raised in the writ petition:

1. "Whether the District Collector is competent to issue the Notification where the Government is *prima facie* satisfied that land is needed for the purpose of acquisition?
2. Whether after the Central Amendment 1984 to Section 3 (f) of the Land Acquisition Act defining public purpose – a Notification under Section 4 for acquisition could be issued without a sanctioned Plan or approved Scheme?
3. The Notification under Section 4(1) is void for want of Publication of the Public Notice in the locality or nearer the land.
4. Whether the Hyderabad Urban Development Authority or the District Collector have power to acquire land for Planning and Development in a Gram Panchayat area after the introduction of Part 9 and (A) by the 73rd and 74th Amendment of the Constitution?
5. Whether the Notification is void for vagueness of the alleged purpose in the rural areas?
6. Whether the Notification for Township Scheme can be issued without Environmental clearance for taking agricultural land for non-agricultural purpose?
7. That there is discrimination and no Public purpose is served."

Points 5,6, and 7 mentioned above can be gone into by the Land Acquisition Officer during the course of enquiry under Section 5(A) of the Act since the enquiry is not been dispensed with and necessary notices are said to have been issued to the owners of the land. In view of the same, it is not necessary to go into points 1 to 5 raised in the writ petition. If ultimately, the respondent-authorities do not chose to release the land from the acquisition proceedings on filing of the objections by the petitioner during the course of enquiry under Section 5(A) of the Act, the petitioner is at liberty to challenge the same after issuance of the declaration under Section 6 of

the Act. All the contentions raised in this writ petition are left open to the petitioner if the Government choose to proceed with the acquisition by issuance of notice under Section 5(A) of the Act.

Accordingly, the writ petition is disposed of. No costs.

_____

A. GOPAL REDDY. J.

25th October, 2004

Note: Issue C.C. in two days.

tsr.

To

1 The District Collector, R.R.District at Lakidikapool, Hyderabad.
2 ThebVice-Chairman, Hyderabad Urban Development Authority, 1-8-323, Paigah Palace, Police Lines, Secunderabad-3.
3 The Land Acquisition Officer, Hyderabad Urban Development Authority, 1-8- 323, Paigah Palace, Police Lines, Rasoolpura, Secunderabad-3.
4 The Secretary, Government of A.P., Municipal Administration, Secretariat Buildings, Hyderabad.

4 Two CCs to Government Pleader for Revenue, High Court Buildings, Hyderabad. (OUT).

5 Two CD copies.